

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 2076 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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COLLECTOR

Versus

MADHUSUDANDASJI RAMDASJI

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Appearance:

MS HANSA PUNANI for Petitioners

None present for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/01/2000

ORAL JUDGEMENT

#. Being aggrieved of the judgment dated 31st July 1995 passed by the Extra Assistant Judge, Junagadh, in Civil Misc. Application No.147 of 1994, whereby the learned judge declined to condone the delay in filing of First

Appeal No.33 of 1987 against the order of Joint Charity Commissioner dated 25.5.92, the petitioners has filed this civil revision application.

#. The delay caused in filing of the appeal aforesaid is of two years, five months and two days. The learned court below, after considering all aspects of the matter, has recorded finding of fact that the petitioners are totally unable to make out any case much less sufficient case for this inordinate delay in filing of the Appeal. However, though it is a question of fact in which no question of jurisdiction does arise, but still for the satisfaction that a good cause of the Government may not go unheard by the appellate court, I examined the matter on merits also.

#. The learned counsel for the petitioner has failed to satisfy this court anything on merits of the matter. The order of the Joint Charity Commissioner is there on the record of this civil revision application and therein the learned counsel for the petitioner has failed to point out any illegality. Moreover, it is a public trust matter and therein the trustees are there to look after the interest of the trust and the State Government and Collector may have supervisory powers under the Bombay Public Trusts Act. As such in the property of the trust the State Government and its officers have no direct interest whatsoever. The matter pertains to registration of the trust and basically it is a matter for consideration and care of trustees. When the petitioner has no case on merits, otherwise also, no useful purpose will be served to condone the delay which is there in filing of the Appeal. As a result of aforesaid discussion, this civil revision application fails and the same is dismissed. As a result of dismissal of the civil revision application, Appeal No.33 of 1987 before the District Judge, Junagadh, also stands dismissed. Rule discharged. No order as to costs.

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[sunil]